

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

<b>In re:</b>	)	<b>Chapter 13</b>
<b>JACALYN S. NOSEK</b>	)	<b>Case No. 02-46025-JBR</b>
<b>Debtor</b>	)	
<b>JACALYN S. NOSEK</b>	)	<b>Adversary Proceeding</b>
<b>Plaintiff</b>	)	<b>No. 04-4517 and</b>
<b>v.</b>	)	<b>No. 07-4109</b>
<b>AMERIQUEST MORTGAGE COMPANY, ET AL.</b>	)	
<b>Defendants</b>	)	

**STATEMENT OF ISSUES ON APPEAL BY APPELLANT, BUCHALTER NEMER**

Pursuant to Federal Rule of Bankruptcy Procedure 8006, Buchalter Nemer, A Professional Corporation ("BN") states herein the issues to be presented on appeal of the applicable orders entered in the above-referenced bankruptcy case and adversary proceedings. BN's Designation of Record is being submitted jointly with the other appellants as Appellants' Joint Designation of Record on Appeal.

1. Whether the Bankruptcy Court erred in imposing sanctions against BN.
2. Whether BN may be sanctioned under Federal Rule of Bankruptcy Procedure 9011, when none of its attorneys signed the Proof of Claim.
3. Whether the failure to attach the power of attorney serving as the source of authority for its Proof of Claim is a basis for imposition of sanctions under Federal Rule of Bankruptcy Procedure 9011, when that Proof of Claim was accurate in all respects.
4. Whether the Bankruptcy Court erred in imposing sanctions against BN when it

gave no notice in its Order to Show Cause that any alleged violation of Federal Rule of Bankruptcy Procedure 3001 and/or failure to adhere to Official Form 10 in filing the Proof of Claim would serve as the basis for sanctions.

5. Whether the Bankruptcy Court erred in imposing sanctions against BN without making necessary findings under Federal Rule of Bankruptcy Procedure 9011(b).

6. Whether the Bankruptcy Court erred in failing to take into account BN's voluntary correction of the record by the September 27, 2007 Declaration of Eileen Driscoll Rubens four months before issuance of the Order to Show Cause.

7. Whether the Bankruptcy Court erred in imposing sanctions in an amount in excess of "what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated," Federal Rule of Bankruptcy Procedure 9011(c)(2).

Dated: June 16, 2008

Respectfully submitted,

BUCHALTER NEMER, A  
PROFESSIONAL CORPORATION,

By its attorneys,

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